

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27379 of 2007(H)

PETITIONER:

1. N.MOHAMMADALI, AGED 55 YEARS,
S/O. MAMMAD, NAITHAKKOTTIL HOUSE, PALAKKADAVU,
KARIDAMKUNNU P.O., ALANALLUR, MANNARKKAD.
(PROPRIETOR, NAITHAKKOTTIL HOLLOW BRICKS,
PALAKKADAVU, KARIDAMKUNNU P.O., ALANALLUR).
2. JAMEELA M.T., AGED 45 YEARS,
W/O. MOHAMMADALI, 14/557, NAITHAKKOTTIL HOUSE,
PALAKKADAVU, KARIDAMKUNNU P.O., ALANALLUR,
MANNARKKAD.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:

1. THE KERALA FINANCIAL CORPORATION,
REPRESENTED BY ITS CHIEF MANAGER,
MATHAKKOVIL STREET, PALAKKAD.
2. THE DEPUTY TAHSILDAR (R.R.),
KERALA FINANCIAL CORPORATION, K.M.M.COMPLEX,
KOKKALAI, THRISSUR-21.
3. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE, PALAKKAD.

R3 BY G.P. SMT.M.K.PUSHPALATHA
R1&2 BY ADV. SRI.T.V.GEORGE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.27379 of 2007
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Dated this the 14th day of September, 2007.

JUDGMENT

Heard counsel for the petitioners and Standing Counsel for KFC who appeared at the admission stage. The amount sought to be recovered is loan advanced by KFC for starting an industry which failed. In any case since petitioners have undertaken to settle liability under OTS scheme, W.P. is disposed of directing the respondents to withhold recovery proceedings for three weeks from now and if in between petitioners remit rupees three lakhs and make an application for OTS benefit, the first respondent should grant eligible incentives under OTS and grant reasonable time to the petitioners to settle liability. The petitioners are permitted to enter into agreement for sale of mortgaged property or any other property to settle arrears. However, sale deed will be executed only after arrears are cleared to KFC. The KFC should grant minimum two months time to the petitioners to settle balance liability. If OTS scheme is not presently available, the first respondent will take instruction from the Managing Director of the Corporation about incentives that could be granted to the petitioners under general or special instruction of Board of directors for

settling liability of the industry stating the timeframe to make payment to avail the facility. If petitioners do not settle liability within the time granted by KFC, then recovery can be made by attachment and sale of the property.

C.N.RAMACHANDRAN NAIR
Judge

pms